

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

MICHAEL CORDES	§	
	§	
VS.	§	C.A.#: 5:19-cv-1487
	§	
WAL-MART STORES TEXAS, L.L.C.	§	
D/B/A SAM'S CLUB #6262	§	JURY DEMANDED

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441**

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendant, Wal-Mart Stores Texas, L.L.C. d/b/a Sam's Club #6262, hereby removes to the Court the state action described below.

1. On November 22, 2019, a civil action was commenced, in the 57<sup>th</sup> Judicial District Court of Bexar County, Texas, entitled *Michael Cordes v. Wal-Mart Stores Texas, L.L.C. d/b/a Sam's Club #6262*, Cause No. 2019CI24172. A copy of Plaintiff's Original Petition with Request for disclosure and attached Discovery is attached hereto as Exhibit A.

2. Service of summons and complaint was made on Defendant, Wal-Mart Stores Texas, L.L.C. d/b/a Sam's Club #6262, by serving their registered agent, C.T. Corporation System, by process server on November 27, 2019. Attorneys for Defendant first received a copy of said Petition on December 2, 2019.

3. Defendant has filed an Original Answer, attached as Exhibit B, a Jury Demand, attached as Exhibit C and a Notice of Filing of Removal to Federal Court, attached as Exhibit D. Defendant has attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

4. Defendant has attached a copy of the docket sheet, Exhibit E.

## **JURISDICTION AND VENUE**

5. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant, Wal-Mart Stores Texas, LLC is a limited liability company formed under the laws of Delaware, with its principal place of business in Arkansas. The sole member of Wal-Mart Stores Texas, LLC is Wal-Mart Real Estate Business Trust. Wal-Mart Real Estate Business Trust is a Delaware statutory trust with its principal place of business in Arkansas. The sole unit holder of Wal-Mart Real Estate Business Trust is Wal-Mart Property Co. which is a wholly owned subsidiary of Wal-Mart Stores East, LP. Wal-Mart Property Co. is a corporation formed under the laws of the State of Delaware with its principal place of business in the State of Arkansas. Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. WSE Management, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. WSE Investment, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. (f/k/a Wal-Mart Stores East, Inc.), whose parent company is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.). Wal-Mart Stores East, LLC is a limited liability company formed under the laws of the State of Arkansas, and has its principal place of business in the State of Arkansas. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.). Plaintiff is a Texas citizen with his residency in Bexar County, Texas.

6. The amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs. Plaintiff has pled that he is seeking damages “over One Million and 00/100 Dollars (\$1,000.000.00)...” (*See* Plaintiff’s Original Petition, pg. 7.)

7. Venue is proper in the Western District of Texas, San Antonio Division because this district and division embrace the place in which the action is pending.

Dated: December 26, 2019.

Respectfully submitted,

DAW & RAY, LLP

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by electronic service on this the 26<sup>th</sup> day of December, 2019.

Simon Fraser  
The Law Offices of Thomas J. Henry  
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/s/ Willie Ben Daw, III  
Willie Ben Daw, III

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MICHAEL CORDES

VS.

WAL-MART STORES TEXAS, L.L.C.  
D/B/A SAM'S CLUB #6262

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C.A. #:

JURY DEMANDED

**INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION**

- (A) Plaintiff's Original Petition with Request for disclosure and attached Discovery
- (B) Defendant's Original Answer
- (C) Defendant's Jury Demand
- (D) Notice of Filing of Removal to Federal Court
- (E) Docket Sheet
- (F) List of Counsel of Record